IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8996 of 2004

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Between:

Telecom Employees Colony Welfare Association (Regd

No. 2463/1988) rep by Secretary, D. Ramachandraiah

Central Government Employee R/o Plot No. 14

House No. 30-313, Telecom-employees Colony,

Kanajiguda, Tirumalagiri Secunderabad

..... PETITIONER

AND

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1 The Registrar of Societies, Andhra Pradesh, Charminar

Cross Roads, Hyderabad.
2 The District Registrar, Nizam Shahi Road, Hyderabad.
3 Guruswamy Colony Telecom Employees Welfare

Association, (Regd. No. 401/Societies/ 2003) rep by

President B. Chandramouli guruswamy Plot No. 131

Guruswamy Colony, Kanajiguda, Secunderabad
4 B. Chandramouli Guruswamy, S/o late B. Rajaiah
r/o Plot No. 131, Guruswamy Colony, Kanajiguda,

Secunderabad-500 015.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, directing the respondents 1 & 2 to delete and remove the name of the

3rd Respondent from the Record of Registration, declaring the act of the 2nd respondent as illegal, null and void as the same is violative of Section 6 (2) of the A.P. Societies Registration Act,2001 and to direct the 3rd and 4th respondents from using or canvassing in the name of the petitioner Society, in any manner whatsoever,

Counsel for the Petitioner: MR.G.RAMA SARMA (not present)

Counsel for Respondents 1 & 2: G.P. for Revenue

The Court at the admission stage made the following :

ORDER:

None appears for the petitioner.

By means of filing this writ petition under Article 226 of the Constitution of India, the

petitioner-society seeks a Mandamus to delete the name of the third respondent society from the records of Registration and to declare the action of the second respondent in registering the third respondent-society as arbitrary and illegal and restrain the third and fourth respondents from using or canvassing the name of the petitioner-society in any manner whatsoever.

It is stated that the petitioner-society was registered in the year 1988 for the welfare of the plot owners, who purchased various plots in Sy.No.387 to 390 of Kanajiguda village, Secunderabad. While so, The fourth respondent constructed a house in Plot No.131 in the year 1999 and canvassing himself as the president, collected an amount of Rs.4,00,000/- from the plot owners by issuing receipts in the name of third respondent-society. When the petitioner and others demanded the fourth respondent to show byelaws, the fourth respondent gave evasive reply. Accordingly the petitioner convened an adhoc meeting on 16-3-2003 and collected Rs.10/- as membership fee from the members and a General Body Meeting of the Association was also called on 15-8-2003 for which elections were held to the posts of office bearers. In spite of the fourth respondent aware of the fact, he got registered the third respondent-society on 27-3-2003 and resembling the petitioner-Society/Association, which was registered in the year 1988. In view of the same, registration of the third respondent-society by the second respondent is arbitrary and illegal and contrary to the provision of the A.P. Societies Registration Act, 2001 and the same has to be cancelled.

The dispute between the two societies can be thrashed out among the members by approaching the civil Court for appropriate relief. In this writ petition no relief can be granted to the petitioner-society.

Accordingly, the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

3rd November, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Registrar of Societies, Andhra Pradesh, Charminar

Cross Roads, Hyderabad.
2 The District Registrar, Nizam Shahi Road, Hyderabad.
3 Guruswamy Colony Telecom Employees Welfare

Association, (Regd. No. 401/Societies/ 2003) rep by

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Guruswamy Colony, Kanajiguda, Secunderabad
4 2 CCs to G.P. for Revenue, High Court Buildings,

Hyderabad.

5 2 CD copies.